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Supreme Court, U.S.
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No. 99-1908

IN THE
Supreme Court of the United States

JAMES ALEXANDER, *in his official capacity as the Director of the Alabama Department of Public Safety*, and the ALABAMA DEPARTMENT OF PUBLIC SAFETY,
Petitioners,

v.

MARTHA SANDOVAL,
Individually and on Behalf of All Others Similarly Situated,
Respondents.

On Writ of Certiorari To The United States Court of Appeals for the Eleventh Circuit

JOINT APPENDIX

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Petition for Certiorari Filed May 30, 2000
Certiorari Granted September 26, 2000

36 pp

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RELEVANT DOCKET ENTRIES

BEFORE THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA CASE NO. CV-96-D-1875-N

1.	12/31/96	Complaint
2.	1/21/97	Answer
3.	5/6/97	Motion by Martha Sandoval to Certify Class
4.	6/5/97	Motion by L.N. Hagan, Dept. of Public Safety to amend answer
5.	9/3/97	Report and Recommendations of Mag. Judge Susan R. Walker Re: motion to certify class; that the motion to certify the class be granted and that the named plaintiff be certified as the representative of the class of all legal residents of the State of Alabama who are otherwise qualified to obtain a class D private vehicle driver's license but cannot do so because they are not sufficiently fluent in English
6.	10/17/97	Order adopting report and recommendation; granting motion to certify class; that named plaintiff is certified as representative of the class
7.	10/24/97_	Motion by L.N. Hagan, Dept. of Public Safety for Summary Judgment
8.	10/24/97	Memorandum by L.N. Hagan, Dept. of Public Safety in support of motion for summary judgment by Dept. of Public Safety, L.N. Hagan

9.	11/25/97	Response by Martha Sandoval in opposition to motion for summary judgment
10.	12/5/97	Reply brief by L.N. Hagan, Dept. of Public Safety in support of motion for summary judgment
11.	12/24/97	Supplement to opposition by Martha Sandoval to motion for summary judgment
12.	1/6/98	Response by defendants to supplement to plaintiffs' opposition to defendants' motion for summary judgment
13.	2/9/98	Supplemental authority by Martha Sandoval concerning motion for summary judgment by Dept. of Public Safety, L.N. Hagan
14.	2/11/98	Pretrial Stipulations by parties
15.	2/12/98	Order denying motion for summary judgment
16.	2/17/98	Plaintiffs' memorandum regarding 42 U.S.C. Section 1981 claim
17.	2/17/98	Defendants' position regarding plaintiffs' claims under 42 U.S.C. Section 1981
18.	2/18/98	Non-jury trial held before Judge Ira DeMent on 2/17/98 through 2/18/98
19.	2/18/98	Courtroom Deputy's minutes of proceedings: non-jury trial held 2/17/98 through 2/18/98 before Judge Ira DeMent; 2/18/98 - defendants' oral motion for entry of judgment in favor of defendant as to intentional discrimination - granted; 2/18/98 - defendants' oral motion for entry of judgment in favor of

		defendant as to disparate impact theory - denied; granting defendants' motion for summary judgment on 1981 claim; 2/18/98 - defendants' oral motion for judgment as a matter of law - reserving ruling
20.	2/24/98	Motion by Martha Sandoval to supplement the record with data regarding illiteracy
21.	2/24/98	Post-trial brief by Martha Sandoval
22.	2/27/98	Post-trial brief by L.N. Hagan, Dept. of Public Safety
23.	2/27/98	Motion by L.N. Hagan, Dept. of Public Safety to supplement record
24.	3/2/98	Stamped order granting motion to supplement the record with data regarding illiteracy
25.	3/2/98	Stamped order granting motion to supplement record
26.	3/2/98	Order that by 10:00 a.m., 3/5/98, plaintiffs file a memorandum or brief responding to the Eleventh Amendment issues raised by the defendants
27.	3/5/98	Motion by Martha Sandoval to amend complaint
28.	3/5/98	Supplemental trial-brief by Martha Sandoval
29.	3/6/98	Reply by L.N. Hagan, Dept. of Public Safety to supplemental trial brief by Martha Sandoval, and response to motion to amend complaint by Martha Sandoval

30.	3/13/98	Motion by L.N. Hagan, Dept. of Public Safety to submit additional authority and brief argument relating to plaintiffs' Title VI claim
31.	3/17/98	Stamped order granting motion to submit additional authority and brief argument relating to plaintiffs' Title VI claim
32.	3/19/98	Motion by Martha Sandoval for Leave to File response to defendants 3/13 submission
33.	3/23/98	Plaintiffs' response to defendants' March 13 submission re: plaintiffs' Title VI claim
34.	6/3/98	Memorandum opinion, judgment, declaration, order and permanent injunction
35.	6/3/98	Judgment
36.	6/3/98	Amendment to complaint by Martha Sandoval
37.	6/17/98	Motion by Martha Sandoval to alter or amend judgment re: memorandum opinion and order
38.	6/23/98	Motion by L.N. Hagan, Dept. of Public Safety for stay pending appeal
39.	7/6/98	Response by Martha Sandoval to motion for stay pending appeal
40.	7/9/98	Joint motion by Martha Sandoval, L.N. Hagan, Dept. of Public Safety for entry of stay
41.	7/13/98	Order (1) plaintiffs' motion to alter or amend judgment be and the same is hereby granted; reserving ruling on plaintiffs' claim that the defendants

		violate the Equal Protection Clause by discriminating on the basis of language; (2) defendants' motion to stay pending appeal be and the same is hereby denied as moot; (3) the parties' joint motion for entry of stay be and the same is hereby granted; staying the injunctive terms of the court's 6-3-98 memorandum opinion pending appellate review; directing the parties to abide by the terms of their agreement as set forth in their 7-9-98 joint motion
42.	7/28/98	Notice of appeal by L.N. Hagan and the Alabama Department of Public Safety to the United States Court of Appeals, Eleventh Circuit from the Memorandum Opinion, Judgment and Declaration Order and Permanent Injunction entered on June 3, 1998
43.	8/3/98	Notice of appeal and certified copy of docket to USCA
44.	3/2/00	Received copy of per curiam: rendered 2/29/00 of the U.S. Court of Appeals, Eleventh Circuit, denying the petition for rehearing en banc
45.	4/20/00	Judgment of USCA issued as mandate 4/19/00 re: appeal by L.N. Hagan, affirming the judgment of the District Court, further ordered that defendants-appellants pay to plaintiffs-appellees

[Filed Dec. 31, 1996]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTHA SANDOVAL, individually and on behalf of all others similarly situated, Plaintiff,	)	
vs.	)	COMPLAINT
L.N. HAGAN, in his official capacity as the Director of the Alabama Department of Public Safety,	)	Case No. CV-96-D-1875-N
and	)	
ALABAMA DEPARTMENT OF PUBLIC SAFETY, Defendants.	)	

NATURE OF THE ACTION

1. This is a civil action brought under the United States Constitution and federal civil rights law. Plaintiff seeks relief to prohibit the defendants from continuing their practice of administering driver's license examinations only in English. The defendants' refusal to administer the examination in languages other than English or to allow for the use of translators or interpretive aids discriminates against the plaintiff and others similarly situated on the basis of national origin. The defendants' practices impose extreme hardships on persons like the plaintiff.

JURISDICTION

2. This action arises under the Fourteenth Amendment to the United States Constitution, 42 U.S.C.§ 1983, 42 U.S.C.§ 1981, and 42 U.S.C. § 2000d and its implementing regulations. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331, 1343.

3. The plaintiff's request for declaratory relief is authorized by 28 U.S.C. §§ 2201-2202.

PARTIES

4. Plaintiff Martha Sandoval is an adult legal resident of the United States and of Mobile County, Alabama.

5. Defendant L.N. Hagan is Director of the Alabama Department of Public Safety. He has the duty and responsibility to establish and promulgate rules and regulations concerning the operation of motor vehicles, including rules and regulations regarding driver's license examinations. He is sued in his official capacity.

6. Defendant Department of Public Safety is the state agency responsible for the administration of driver's license examinations in Alabama. The Department receives federal financial assistance from the United States Department of Justice for the administration of its programs and activities.

CLASS ACTION

7. Plaintiff Sandoval brings this suit on her own behalf and on behalf of the class of all present and future legal residents of Alabama who have been or may be denied the opportunity to obtain a driver's license in the state because of their inability to speak or read English fluently.

8. The prerequisites of Rule 23(a) and Rule 23(b)(2) of the Federal Rules of Civil Procedure are satisfied.

STATEMENT OF FACTS

9. Alabama law requires every Alabama resident to obtain a driver's license before driving a motor vehicle upon the highways of the state. Any resident who drives a motor vehicle in this state without first obtaining a driver's license is guilty of a misdemeanor crime and is subject to fines and penalties.

10. On July 13, 1990, the Alabama Legislature ratified Amendment No. 509 to the Constitution of Alabama of 1901. The Amendment declares that "English is the official language of the state of Alabama." After the ratification of the Amendment, the defendants promulgated new "English-only" rules regarding the administration of driver's license examinations.

11. The English-only rules require that all parts of the driver's license examination—the vision, written, oral, and driving skills examinations—be administered in English. The rules prohibit the use of translators as well as the use of interpretive aids, such as translation dictionaries.

12. The defendants' English-only driver's license rules deprive non-English speaking residents of this state of the opportunity to obtain a driver's license and unnecessarily impose tremendous hardships upon them solely on the basis of their national origin.

13. Plaintiff Martha Sandoval is a legal immigrant from Mexico. She speaks and reads Spanish fluently, but has limited English proficiency.

14. In September 1996, Ms. Sandoval attempted to obtain a driver's license in Mobil County. Because she could not understand English, she was unable to take the visual or written examinations required of all applicants. If the tests had been administered in Spanish or if Ms. Sandoval had been

allowed to use an interpreter, she would have been able to complete the application process and obtain a driver's license.

15. Without a driver's license, Ms. Sandoval suffers great hardship in her daily life. Ms. Sandoval maintains two jobs as a housekeeper. Because she cannot legally drive, Ms. Sandoval often is forced to walk almost two hours to and from work. The stress and strain of walking to and from work causes Ms. Sandoval to suffer chronic pain.

16. Ms. Sandoval has two young children, ages thirteen and six. On several occasions, she and her children have had medical emergencies that required medication or a doctor's care. Without the ability to drive, Ms. Sandoval had no means of obtaining medical care for herself or her children. On those occasions, she and her children had to wait several hours until her husband or a family friend could arrive to transport them to a doctor.

17. Defendants' refusal to administer the driver's license examination in languages other than English or, in the alternative, to allow non-English speaking applicants to utilize translators or interpretive aids, has the purpose and effect of subjecting the plaintiff and others similarly situated to discrimination on the basis of their national origin.

18. Defendants' policy is not narrowly tailored to achieve any compelling state interest.

19. Defendants' policy is not rationally related to any legitimate state interest.

20. Other states routinely administer driver's license examinations in languages other then English or allow non-English speaking applicants to use translators or interpretive aids.

21. Defendants have acted and continue to act under color of state law.

22. Plaintiff does not have an adequate remedy at law.

CLAIMS FOR RELIEF

Claims Against Defendant Hagan

23. Defendant's English-only driver's license rules discriminate against the plaintiff and other persons similarly situated on the basis of their national origin in violation of the Fourteenth Amendment to the United States Constitution. The violation may be remedied pursuant to 42 U.S.C.§ 1983.

24. Defendant's English-only driver's license rules deprive the plaintiff and other persons similarly situated of the equal benefit of the laws of the state of Alabama and of the equal right to licenses of every kind in violation of the Civil Rights Act of 1866, 42 U.S.C. § 1981.

Claim Against Defendant Department of Public Safety

25. Defendant's English-only driver's license rules have the purpose and effect of subjecting the plaintiff and other persons similarly situated to discrimination on the basis of national origin by an agency receiving federal financial assistance in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C.§ 2000d, and its implementing regulations, 42 C.F.R.§ 42.104(b)(1) and (2) (1996).

PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays that the Honorable Court grant the following relief:

1. Certify the plaintiff class in this action;

2. Declare unconstitutional and unlawful Alabama's English-only driver's license rules;

3. Enter a permanent injunction requiring the defendants, their agents, employees, and all persons acting in concert with them to cease their unconstitutional and unlawful practices;

4. Award plaintiff's reasonable costs and attorneys' fees; and

5. Grant plaintiff such other relief as the Court deems necessary and just.

Respectfully submitted,

/s/ Rhonda Brownstein
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Marcia Bull
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[Filed Jan. 21, 1997]

THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

MARTHA SANDOVAL, individually and on behalf of all other similarly situated,	)	
Plaintiff,	)	
v.	)	**CV-96-D-1875-N**
L.N. HAGAN, in his official capacity as Director of the Alabama Department of Public Safety,	)	
and	)	
ALABAMA DEPARTMENT OF PUBLIC SAFETY,	)	
Defendants.	)	

ANSWER

L. N. Hagan, in his official capacity as Director, Alabama Department of Public Safety, and the Alabama Department of Public Safety (collectively "Hagan" unless otherwise stated), defendants in this action, make the following Answer to the Complaint filed by plaintiff Sandoval.

SPECIFIC RESPONSES

1. With respect to the allegations of Paragraph 1, Hagan states that no response is required as to the first two sentences. Hagan denies the allegations in sentences 3 and 4. Hagan specifically denies any allegation, express or implied, that the challenged English only rule results in discrimination on the basis of national origin.

2. Paragraph 2 is a jurisdictional allegation as to which no response is required.

3. Paragraph 3 is a jurisdictional allegation as to which no response is required.

4. Hagan lacks knowledge sufficient to admit or deny the allegations of paragraph 4, and denies them on that basis.

5. Hagan admits the allegations of paragraph 5.

6. Hagan admits the allegations of the first sentence of paragraph 6. Hagan denies that any financial assistance provided by the Department of Justice provides the basis for any claim by plaintiff.

7. Hagan denies that class action treatment of this case is appropriate and further denies the plaintiff is an appropriate class representative.

8. Hagan denies the allegations of paragraph 8.

9. Hagan admits the allegations of paragraph 9. Hagan states further that the Sate of Alabama's interest in the safety of its roads and highways is a legitimate and state interest, and its regulation of the issuance of drivers' licenses is a legitimate exercise of state power.

10. Hagan admits the allegations of paragraph 10. Hagan states further that Amendment No. 509 was submitted to the voters and approved by an overwhelming margin.

11. Hagan admits the allegations of paragraph 11.

12. Hagan denies the allegations of paragraph 12. In addition, Hagan specifically denies that the challenged English-only rule results in discrimination on the basis of national origin.

13. Hagan lacks knowledge sufficient to admit or deny the allegations of paragraph 13 and denies them on that basis.

14. Hagan lacks knowledge sufficient to admit or deny the allegations of paragraph 14 and denies them on that basis.

15. Hagan lacks knowledge sufficient to admit or deny the allegations of paragraph 15 and denies them on that basis.

16. Hagan lacks knowledge sufficient to admit or deny the allegations of paragraph 16 and denies them on that basis.

17. Hagan denies the allegations of paragraph 17. In particular, Hagan specifically denies that the challenged English-only rule results in discrimination on the basis of national origin.

18. Hagan denies the allegations of paragraph 18.

19. Hagan denies the allegations of paragraph 19.

20. Hagan lacks knowledge sufficient to admit or deny the allegations of paragraph 20 and denies them on that basis.

21. Hagan admits the allegations of paragraph 21.

22. Hagan denies the allegations of paragraph 22.

23. Hagan denies the allegations of paragraph 23. In particular, Hagan denies that the challenged English-only rule results in discrimination on the basis of national origin.

24. Hagan denies the allegations of paragraph 24.

25. The Department denies the allegations of paragraph 25.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiff has failed to join indispensable parties.

SECOND DEFENSE

Plaintiff is not an appropriate class representative.

THIRD DEFENSE

This case is not appropriate for class action treatment.

FOURTH DEFENSE

The Alabama "English Only" Amendment and the Department's implementation of that amendment do not result in discrimination on the basis of national origin.

FIFTH DEFENSE

The Alabama "English Only" Amendment and the Department's implementation of that amendment are rationally related to furthering a legitimate state interest.

SIXTH DEFENSE

Plaintiff lacks standing to complain about the denial of any license other than a standard, non-commercial driver's license.

SEVENTH DEFENSE

Driving is a privilege, not a fundamental right.

EIGHTH DEFENSE

Plaintiff is not entitled to injunctive relief.

NINTH DEFENSE

The balance of equities does not favor plaintiff.

TENTH DEFENSE

Any claim under § 1981 is due to be denied because § 1983 is the sole remedy for claims against state actors.

ELEVENTH DEFENSE

Plaintiff is not a proper plaintiff with respect to 42 U.S.C. § 2000d.

TWELFTH DEFENSE

42 U.S.C. § 2000d does not provide a basis for any claim by plaintiff.

THIRTEENTH DEFENSE

Compensatory damages cannot be recovered under 42 U.S.C. § 2000d.

FOURTEENTH DEFENSE

Hagan is entitled to qualified immunity from any potential claim against him in his individual capacity.

FIFTEENTH DEFENSE

The Eleventh Amendment to the United States Constitution bars any potential claim for damages.

Respectfully Submitted

/s/ Robert E. Morrow by JJP
Robert E. Morrow

Of Counsel:
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/s/ John J. Park Jr.
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[Received June 5, 1997]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTHA SANDOVAL,	)	
individually and on behalf of all	)	
others similarly situated,	)	
Plaintiff,	)	
	)	**Case No.**
vs.	)	**CV-96-D-1875-N**
	)	
L.N. HAGAN, et al.,	)	
Defendants.	)	

AMENDED ANSWER

L.N. Hagan, Director of the Alabama Department of Public Safety in his official capacity, and the Alabama Department of Public Safety hereby amend their Answer to state the following additional affirmative defense:

SIXTEENTH DEFENSE

Plaintiff lacks standing to assert a claim based on the alleged violation of the terms of any federal grant.

Respectfully submitted,

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ATTORNEY GENERAL
BY:

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[Filed Oct. 17, 1997]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTHA SANDOVAL, Plaintiff,	)	
v.	)	CIVIL ACTION
	)	NO. 96-D-1875-N
L. N. HAGAN, et al., Defendants.	)	

ORDER

There being no objections filed to the Recommendation of the Magistrate Judge filed herein on September 3, 1997, said Recommendation is hereby adopted, and it is the

ORDER, JUDGMENT and DECREE of the court that the motion to certify class is GRANTED and that the named plaintiff is CERTIFIED as the representative of the class of all legal residents of the State of Alabama who are otherwise qualified to obtain a Class D private vehicle driver's license but cannot do so because they are not sufficiently fluent in English.

Done this 17th day of October, 1997.

/s/ Ira DeMent
UNITED STATES DISTRICT JUDGE

[Received Dec. 11, 1997]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTHA SANDOVAL, individually and on behalf of all others similarly situated,	)	
Plaintiff,	)	
vs.	)	**Case No. CV-96-D-1875-N**
L.N. HAGAN, et al.,	)	
Defendants.	)	

PRETRIAL STIPULATIONS

1. On July 13, 1990, Amendment 509 to the Alabama Constitution was proclaimed ratified.

2. Amendment 509 states, in part, "English is the official language of the state of Alabama."

3. Prior to the ratification of Amendment 509, and for some time afterwards, the Alabama Department of Public Safety administered the written portion of the driver's license examination in languages other than English.

4. In 1997, the Department located copies of the written examination in 14 different languages.

5. Some time after the ratification of Amendment 509, the Alabama Department of Public Safety stopped giving the written examinations in languages other than English.

6. By letter dated July 22, 1992, COL Ned W. McHenry, then the Director of the Alabama Department of Public

Safety asked the Attorney General whether Amendment 509 to the Alabama Constitution prohibits the Department of Public Safety from giving driver license tests in any language other than English.

7. In Opinion 92-411, dated September 15, 1992, the Attorney General advised COL McHenry that all persons applying for a driver's license should be required to take their licensing test in English.

8. The Department of Public Safety administers the written portion of the licensing examination to deaf persons who are unable to read and write through a videotape of the examination being signed.

9. The Department of Public Safety administers the written portion of the licensing examination to persons who speak English and cannot read or write by reading the examination to them or by use of a audiotape. If the examination is read to an applicant, a Department of Public Safety employee does the reading.

10. In 1997, the Department of Public Safety is on track to administer more than 300,000 driver license examinations.

11. In 1996, the Department of Public Safety administered 343,896 examinations, 88,204 of which were not passed.

AGREED TO this 11th day of December 1997.

/s/ Rhonda Brownstein	/s/ John J. Park Jr.
Rhonda Brownstein	John J. Park, Jr.
One of the Attorneys for the Sandoval Plaintiff Class	One of the Attorneys for L.N. Hagan and the Alabama Department of Public Safety

[Filed Feb. 12, 1998]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTHA SANDOVAL, individually and on behalf of all others similarly situated,	)	
Plaintiff,	)	
vs.	)	
L.N. HAGAN, et al.	)	Case No. CV-96-D-1875-N
Defendants.	)	

ORDER ON PRETRIAL HEARING

A pretrial hearing was held in this case on December 17, 1997, wherein the following proceedings were held and actions taken:

1. PARTIES AND TRIAL COUNSEL:

For Plaintiffs: J. Richard Cohen
Rhonda Brownstein
Marcia Bull Stadeker

For Defendants: John J. Park, Jr.
Robert E. Morrow

COUNSEL APPEARING AT PRETRIAL HEARING: Same.

2. JURISDICTION AND VENUE:

Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331, 1343. Venue is proper in the Middle District of Alabama, given that the Defendants reside here. 28 U.S.C. § 1391.

3. PLEADINGS: The following pleadings and amendments were allowed:

a. Complaint was filed December 31, 1996.

b. Answer was filed January 21, 1997.

c. Amended answer was filed June 4, 1997.

d. Class certification was granted on October 17, 1997.

e. Defendants' motion for summary judgment was filed October 24, 1997.

4. CONTENTIONS OF THE PARTIES:

(a) The Plaintiffs contend:

1. The Defendants' refusal to administer the Alabama driver's license examination in languages other than English or to allow for the use of translators or interpretive aids discriminates against the Plaintiffs on the basis of race or national origin in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The Defendants' policy is subject to intermediate scrutiny review. Even if the policy is subject to rational basis review, as the Defendants contend, the policy fails given that is not rationally related to any legitimate state interest.

2. The Defendants' English-only policy deprives the Plaintiffs of the equal benefit of the laws and of the equal right to licenses of every kind on the basis

of their ethnic or ancestral characteristics in violation of the Civil Rights Act of 1866, 42 U.S.C. § 1981.

3. The Defendants' English-only policy violates Title VI of the Civil Rights Act of 1964 because it has an unjustified disparate impact on the basis of national origin. Under the regulations implementing Title VI, the Plaintiffs are not required to prove intentional discrimination. The Plaintiffs have a direct cause of action under Title VI and its implementing regulations. The Defendants receive federal financial assistance from the Department of Justice and the Department of Transportation.

(b) The Defendants contend that:

1. The practice of giving driver's license examinations only in English classifies on the basis of language, not national origin. In addition, a driver's license is a privilege, not a fundamental right.

2. Intermediate scrutiny is inapplicable to the Plaintiffs' Equal Protection claim. Under rational basis review, the policy should be upheld because it is rationally related to a number of legitimate state interests.

3. The Plaintiffs' discrimination claims are on the basis of national origin, which is not cognizable under § 1981.

4. The Defendants' policy has no disparate impact, much less an impact on the basis of national origin. Any classification is made on the basis of language, not national origin. In addition, the Plaintiffs lack standing, a private right of action, or both, to bring this claim under Title VI.

5. STIPULATIONS BY AND BETWEEN THE PARTIES:

Stipulations will be filed on December 11, 1997.

6. A trial docket will be mailed to counsel approximately one month prior to the trial term.

It is ORDERED as follows:

(1) The non-jury trial, which is to last three days, is set at 10:00 A.M. on the 17th day of February, 1998, in Montgomery, AL.

(2) All understandings, agreements, and stipulations contained in this pretrial order shall be binding on all parties unless that Order be hereafter modified by order of the court.

DONE this 12th day of February, 1998.

/s/ Ira DeMent
UNITED STATES DISTRICT JUDGE

[Received Mar. 5, 1998]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTHA SANDOVAL, individually and on behalf of all others similarly situated, Plaintiff,	)	
vs.	)	Case No. CV-96-D-1875-N
L.N. HAGAN, et al., Defendants.	)	

AMENDMENT TO THE COMPLAINT

Paragraph 25 of the Complaint and the heading to that paragraph reads as follows:

Claim Against Defendant Department of Public Safety

25. Defendant's English-only driver's license rules have the purpose and effect of subjecting the plaintiff and other persons similarly situated to discrimination on the basis of national origin by an agency receiving federal financial assistance in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulations, 42 C.F.R. § 42.104(b)(1) and (2) (1996).

Plaintiffs hereby amends paragraph 25 and its heading to read as follows:

Claim Against Defendant Department of Public Safety and Defendant Hagan

25. Defendants' English-only driver's license rules have the purpose and effect of subjecting the plaintiff and other persons similarly situated to discrimination on the basis of national origin by an agency receiving federal financial assistance in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulations, 42 C.F.R. § 42.104(b)(1) and (2) (1996).

Respectfully submitted,

/s/ J. Richard Cohen

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Attorneys for Plaintiffs

OFFICE OF THE ATTORNEY GENERAL
92-00411

JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA
Sep 15 1992

Honorable Ned W. McHenry
Department of Public Safety
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Drivers License - Tests and Testing

All persons applying for a driver's license should be required to take their licensing test in English.

Dear Mr. McHenry:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Does Amendment 509 to the Constitution of the State of Alabama of 1901 prohibit the Department of Public Safety from giving driver license tests in any language other than English?

FACTS AND ANALYSIS

Amendment No. 509 to the Constitution of Alabama of 1901 provides as follows:

"English is the official language of the state of Alabama. The legislature shall enforce this amendment by

appropriate legislation. The legislature and officials of the state of Alabama shall take all steps necessary to insure that the role of English as the common language of the state of Alabama is preserved and enhanced. The legislature shall make no law which diminishes or ignores the role of English as the common language of the state of Alabama.

"Any person who is a resident of or doing business in the state of Alabama shall have standing to sue the state of Alabama to enforce this amendment, and the courts of record of the state of Alabama shall have jurisdiction to hear cases brought to enforce this provision. The legislature may provide reasonable and appropriate limitations on the time and manner of suits brought under this amendment."

This amendment requires all officials of the state of Alabama to take all steps necessary to insure that the role of English as the common language of the State of Alabama is preserved and enhanced. Thus, to the extent possible, officials of this state should require the use of English in all state actions and programs.

While requiring an ability to understand English as a requirement to participate in some state programs might be a violation of Title VI of the Civil Rights Act of 1964, or the Equal Protection Clause of the Fourteenth Amendment[1], consideration of safety and the integrity of the licensing process would support a requirement that driver license examinations be given in English. Safety considerations would include the

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[1] It has been held that a public school district receiving federal financial assistance violates Title 6 of the Civil Rights Act of 1964 where the school system fails to establish a program to deal with the language problem of students of Chinese ancestry who do not speak English. *Lau v. Nichols*, 414 U.S. 563, 39 L.Ed.2d 1, 94 S.Ct. 786 (1974).

person's ability to read and understand highway signs and to understand the directions of law enforcement officers.

It would be practically impossible for the state to accommodate the wide variety of languages of persons applying for a license. To allow such persons to use their own interpreters would, of course, jeopardize the integrity of the test.

CONCLUSION

All persons applying for a driver's license should be required by the Director of the Department of Public Safety to take their licensing tests in English.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:

/s/ James R. Solomon, Jr.
JAMES R. SOLOMON, JR.
Chief, Opinions Division

JE/JC/cp
09620

					GRANT NUMBER	TOTAL RECEIPTS
					ERAD	$328,500.00
					ERAD/DCE/SP	$6,689.00
					DAF	$99,843.95
					DB-92-10-0010	$7,887.92
					DTNH22-92-Y-07019	$58,059.10
					94-03-BH315-01	$201,420.28
					95-03-BH315-01	$212,822.12
					MC-94-01(333)	$1,183.13
					DB-94-10-0003	$329,983.27
					DB-95-10-0005	$121,180.56
					MC-94-01(001)	$224,465.32
					MC-95-01(001)	$1,145,936.94
					94-03-PT315-17	$997.98
					HB-94-10-06	$46,452.63
					94-03-PT315-16	$606.00
					SE-ALM-012	$7,658.71
					SE-ALS-014	$784.35

	RECEIPTS FOR FUNDS 302/303/304/305/308
	BY GRANT
	PUBLIC SAFETY - FEDERAL GRANTS SUMMARY
	OCTOBER 1, 1995 THRU SEPTEMBER 30, 1996
FUND NUMBER	GRANT NAME
302	ERADICATION
	DOMESTIC CANNABIS ERAD/SUPP PROGRAM
303	DRUG ASSET FOREITURE
304	VIOLENT CRIME TASK FORCE
	FATAL ACCIDENT REPORTING SYSTEM
	MAXIMUM SPEED ENFORCEMENT
	MAXIMUM SPEED ENFORCEMENT
	MCSAP GRID PADS
	ALABAMA MAJOR DRUG TASK FORCE
	ALABAMA MAJOR DRUG TASK FORCE
	MOTOR CARRIER ASSISTANCE PROGRAM
	MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
	STEP WORKSHOP
	STEP
	HANDS ACROSS THE BORDER
	ORG. CRIME DRUG ENFORCEMENT TASK FORCE
	ORG. CRIME DRUG ENFORCEMENT TASK FORCE

FUND NUMBER	GRANT NAME	GRANT NUMBER	TOTAL RECEIPTS
	NGA COMM VEH DATA ELEMENTS ACC REP/MAN REV	MC-94-01(888)	$23,556.96
	PEN-BASE TECHNICAL WORK GROUP	MC-94-01-555	$3,198.24
	DRUG ENFORCEMENT ADMINISTRATION	DEA	$24,007.57
	NATIONAL DRIVER REGISTER PDPS	DTNH22-91-Z-05033	$127,846.39
	ABI HOSTAGE NEGOTIATION TEAMS	DB-92-10-0011	$28,770.00
	UNITED STATES CUSTOMS	USC	$4,821.52
	VIOLENT CRIME	VC/FBI	$2,768.68
	OHTS WORKSHOPS AND SEMINARS	95-03-PT315-15	$1,779.19
	VIOLENT OFFENDER COMPOSITE PROGRAM	DB-93-10-0014	$7,466.25
	ADECA	PED-95-CSS-44	$100,000.00
	ALABAMA DEPARTMENT OF TRANSPORTATION	ADOT	$10,000.00
305	GRANT/DAF	GRANT	$238,720.94
308	ALABAMA PEASE OFFICERS STANDARD COMMISSION	POST	$150,638.30
GRAND TOTAL SUMMARY			$3,518,045.40

IN THE SUPREME COURT
OF THE UNITED STATES

[Caption Omitted in Printing]

Order Granting Petition for a Writ of Certiorari entered on September 26, 2000.